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Conference of the States Parties to the United Nations Convention against Corruption

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Item 2 of the provisional agenda*
Review of implementation of the United Nations Convention against Corruption

Progress in the implementation of the mandates of the Implementation Review Group

Note by the Secretariat

Summary

The present document contains updated information[1] on the conduct of country reviews during the first and second review cycles of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and on activities of the Implementation Review Group in the context of its function of overseeing the review process and submitting policy recommendations to the Conference of the States Parties to the Convention for its consideration and approval.

* CAC/COSP/IRG/2018/1.

[1] The present document provides an update to documents CAC/COSP/IRG/2014/4, CAC/COSP/IRG/2016/2, CAC/COSP/IRG/2017/2 and conference room paper CAC/COSP/IRG/2015/CRP.15.

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I. Organization and conduct of country reviews during the first review cycle and the first and second year of the second review cycle

A. Statistical overview

1. The following numbers show the progress achieved in the conduct of the country reviews during:

(a) The first cycle of the Implementation Review Mechanism for the Review of Implementation of the United Nations Convention against Corruption;

(b) The first and second years of the second cycle of the Mechanism.

2. During the first cycle, 181 States parties were to be reviewed. At the time of writing the present report, 176 responses to the self-assessment checklist had been received and 169 direct dialogues had been held (157 country visits and 12 joint meetings). Furthermore, 163 executive summaries and 141 country review reports had been completed and 79 States parties had made their full country review report available on the website of the United Nations Office on Drugs and Crime (UNODC).

3. During the first year of the second cycle, 29 States parties were to be reviewed. At the time of writing, 25 responses to the self-assessment checklist had been received and 17 country visits and one joint meeting had been held. Two States parties had made their full country review reports available on the UNODC website.

4. During the second year of the second cycle, 48 States parties were to be reviewed. At the time of writing, 24 responses to the self-assessment checklist had been received and 3 country visits had been held.

B. Drawing of lots

5. In accordance with paragraph 14 of the terms of reference of the Implementation Review Mechanism, the States parties participating in the review process in a given year of a review cycle are selected by a drawing of lots at the beginning of each cycle. Paragraph 19 of the terms of reference provides that the selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews.

(a) First review cycle

6. In accordance with these provisions, the reviewing States parties for the fourth year of the first cycle of the Mechanism were selected through a drawing of lots held at the fourth session of the Implementation Review Group. Sixty-two country reviews began on 1 July 2013, and further drawings of lots were held to select the reviewing States parties for the States parties that had ratified or acceded to the Convention thereafter. Those additional drawings of lots took place at the resumed fourth, fifth, resumed fifth, sixth, resumed sixth, seventh, resumed seventh, eighth and resumed eighth sessions of the Group.

7. At the time of writing, 16 additional States were under review in the fourth year, having become parties to the Convention since the launch of the first review cycle.[2]

(b) Second review cycle

8. In its resolution 6/1, the Conference requested the Group to proceed, at the beginning of its seventh session, to the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with

[2] Other States may become party to the Convention by the time of the ninth session of the Group

paragraphs 14 and 19 of the terms of reference of the Mechanism. The Conference also requested the Group to hold intersessional meetings open to all States parties for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the Group's subsequent intersessional meeting or regular session.

9. Accordingly, the reviewing States parties for the first year of the second cycle of the Mechanism were selected through a drawing of lots at an intersessional meeting of the Implementation Review Group. Twenty-nine country reviews began on 4 July 2016, and redraws were carried out at the request of States parties under review at the resumed seventh session of the Group.

10. Similarly, the reviewing States parties for the second year of the second cycle were selected through a drawing of lots at an intersessional meeting of the Group, and the 48 country reviews due to take place during that year started on 25 July 2017. Redraws were carried out at the request of States parties under review at the resumed eighth session of the Group.

C. Schedule and conduct of country reviews

11. In its resolution 4/1, the Conference of the States Parties to the United Nations Convention against Corruption endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews, which had been finalized by the Implementation Review Group. The guidelines set out indicative timelines for country reviews in order to ensure the consistency and efficiency of the review process. The purpose of the present subsection is to provide updated information on the schedule of country reviews conducted from the first to the fourth year of the first cycle of the Implementation Review Mechanism.

12. There were 27 country reviews in the first year, 41 in the second year and 35 in the third year. In the fourth year, 78 States parties were under review.

Initial steps of country reviews

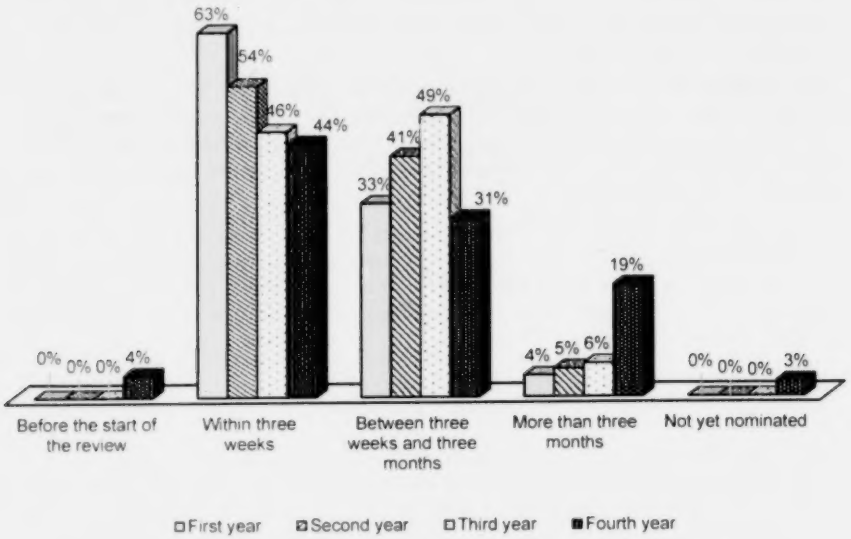
Appointment of a focal point to coordinate the participation of a State party under review

a. First review cycle

13. In accordance with paragraph 17 of the terms of reference and paragraph 13 of the guidelines, a State party under review is to appoint a focal point or focal points to coordinate its participation in the review within three weeks of officially being informed of the beginning of the conduct of the country review, and should inform the secretariat accordingly. Most States that have recently become party to the Convention nominated their focal points between three weeks and three months after being officially informed of the start of the review. However, late nominations of focal points have caused considerable delays in country reviews in the past. In its resolution 4/1, the Conference urged States parties under review to ensure the timely nomination of their focal points in accordance with the guidelines.

14. At the time of writing, one State under review in the fourth year had not yet officially nominated the focal point (see figure I), and several States parties had changed their focal points during the course of the review. Some States whose reviews had recently started or were about to begin, nominated their focal points prior to the start of the review, which allowed more preparation time.

Figure I
First cycle: time taken to nominate focal points



b. Second review cycle

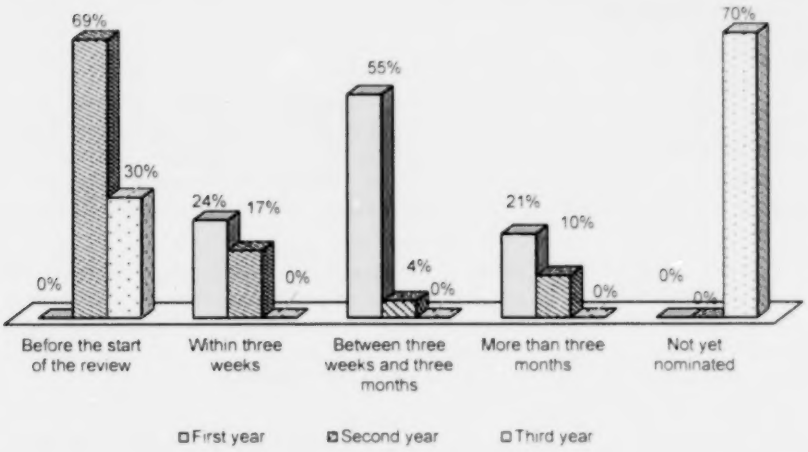
15. All States under review in the first and second years of the second cycle nominated their focal points. However, some nominations were received very late in the review year, thus considerably delaying some reviews (see figure II).

16. In the first year of the second cycle, most States nominated their focal points within three months after being officially informed of the start of the review.

17. In the second year of the second cycle, it is worth noting that the vast majority of focal points (69 per cent) were nominated prior to the start of the review. It is likely that these early nominations were due to the offer of early training courses targeting the focal points of States whose reviews were upcoming.

18. Although, at the time of writing, the third year of the second cycle had not yet started, 11 of the 37 States under review in that year (30 per cent) had already nominated their focal points, and more nominations were expected in the run-up to the ninth session of the Group. As with the second year, it is likely that these early nominations were a response to the offer of early training courses targeting focal points. In addition, in January 2018, to assist States parties with the planning for their upcoming reviews, the secretariat shared the anticipated start dates, the anticipated deadlines for the nomination of focal points and the anticipated deadlines for the submission of responses to the self-assessment checklist. The advance nomination of focal points is commended, in particular because it is likely to facilitate the preparation of the review and the drafting of the responses to the self-assessment checklist.

Figure II
First and second year of the second cycle: time taken to nominate focal points



Communication of contact details of governmental experts by reviewing States parties and organization of the initial teleconference

a. First review cycle

19. Paragraph 16 of the guidelines provides that a telephone conference or videoconference should be held within one month of the State party under review officially being informed of the beginning of the conduct of the country review. The teleconference involves the State party under review, the reviewing States parties and the secretariat staff assigned to the country review. With a view to organizing the initial teleconference, the secretariat requests reviewing States parties to designate contact persons among their governmental experts and to communicate the contact details of those persons to it.

20. In most reviews, the organization of the initial teleconference continues to suffer delays as a result of, inter alia, the late communication of the contact details of governmental experts or changes in reviewing experts after the beginning of the review. In some cases, the teleconference has been delayed because of redraws of reviewing States parties. Where feasible, the secretariat continues to arrange introductions on the margins of the sessions of the Implementation Review Group and the Conference of the States Parties. Where time differences between the States did not allow for direct contact, the teleconferences were replaced by an exchange of emails.

b. Second review cycle

21. At the time of writing, 27 first teleconferences had been held for the 29 reviews ongoing in the second year of the second cycle or had been replaced by meetings on the margins of the Conference of the States Parties or the Implementation Review Group, or an exchange of emails where the time difference did not allow for a teleconference.

22. For the second year of the second cycle, at the time of writing, 30 first teleconferences or equivalent contacts had taken place. However, several reviewing States had not yet designated their reviewing experts, thus delaying the first teleconference.

Self-assessment

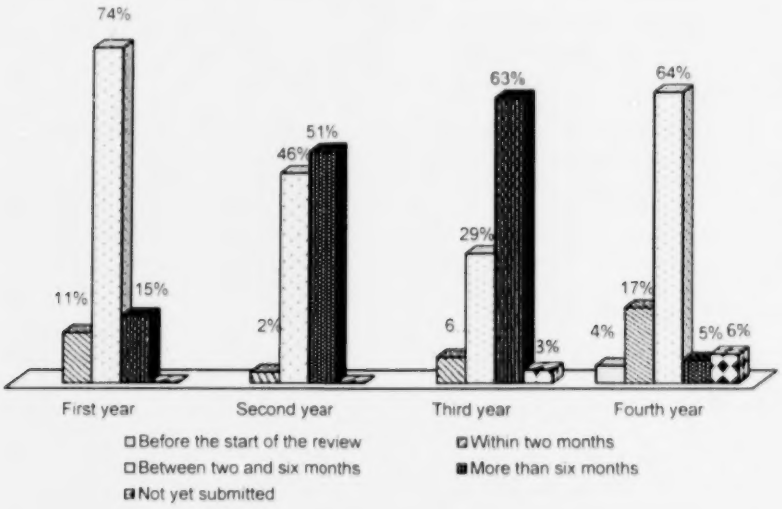
23. In accordance with paragraph 15 of the guidelines, the State party under review is to provide the secretariat with its response to the comprehensive self-assessment checklist within two months of being officially informed of the beginning of the conduct of the review.

a. First review cycle

24. All responses to the self-assessment checklist for the reviews initiated in the first and second year of the first review cycle have been received (see figure III for the time taken to submit the responses). For the 35 reviews initiated in the third year of the cycle, 1 response to the self-assessment checklist was pending at the time of writing and 4 were pending for the fourth year of the cycle (including of 2 States whose reviews started in November 2017).

25. Upon request, UNODC provides assistance in the completion of the responses to the self-assessment checklist. Several States parties decided to avail themselves of that assistance in order to complete their responses and, in accordance with paragraph 16 of the terms of reference, UNODC provided training and organized workshops to assist States parties in finalizing their responses.

Figure III
First review cycle: time taken to submit responses to the self-assessment checklist



Note: With regard to States parties under review during the fourth year of the first cycle, the higher percentage of States parties that submitted their responses to the self-assessment checklist more than six months after being officially informed of the review is partially a result of the fact that substantive work on some reviews started in the second half of the review year (i.e., in 2014 instead of in 2013), for instance in the case of new States parties.

26. Several States informed the secretariat of consultations with national stakeholders and the publication of responses to the comprehensive self-assessment checklist, while others had circulated their responses to relevant stakeholders and/or posted the responses on national websites for comment.

b. Second review cycle

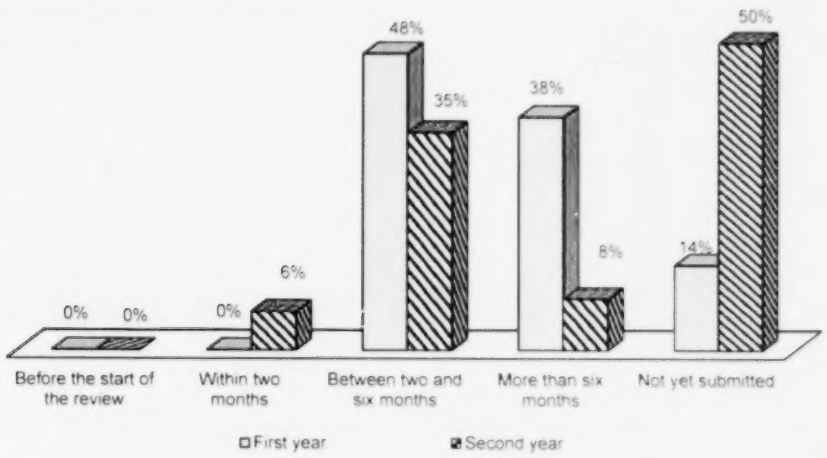
27. Out of 29 States parties under review in the first year of the second cycle, 25 had submitted their responses to the self-assessment checklist at the time of writing (see figure IV for the time taken to submit the responses). No State party under review

had submitted its response to the self-assessment checklist within the two months set out in the guidelines.

28. Out of 48 States parties under review in the second year of the second cycle, 24 had submitted their responses to the self-assessment checklist at the time of writing. Again, no State party under review had submitted its response to the self-assessment checklist within the time limit set out in the guidelines, and 50 per cent were yet to submit its response to the self-assessment checklist almost six months after the time limit had expired.

Figure IV

First and second year of the second review cycle: time taken to submit responses to the self-assessment checklist



Desk review

a. First review cycle

29. In accordance with paragraph 21 of the guidelines, governmental experts are to submit to the secretariat the outcome of the desk review within one month after receiving the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review. For the fourth year of the first cycle, a small number of desk reviews of the responses to the self-assessment checklist were pending at the time of writing, in part because of late submissions of information and translation difficulties.

b. Second review cycle

30. At the time of writing, a number of desk reviews of the responses to the self-assessment checklist were still ongoing, in part because of the late submission of the responses to the self-assessment checklist.

Further means of direct dialogue

31. In accordance with paragraph 24 of the guidelines and paragraph 29 of the terms of reference, if requested by the State party under review, the desk review is to be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna.

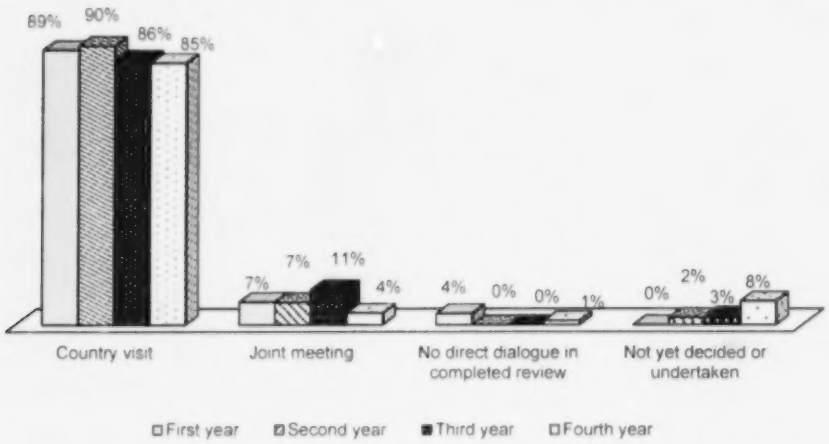
a. First review cycle

32. At the time of writing, out of 181 countries under review, 169 countries had already availed themselves of further means of direct dialogue in the form of either a country visit or a joint meeting. For the 27 States parties under review in the first year,

24 country visits and two joint meetings took place. For the 41 States parties under review in the second year, 37 country visits and three joint meetings took place. For the 35 States parties under review in the third year, 30 country visits and four joint meetings took place. For States under review in the fourth year, 66 country visits and 3 joint meetings took place (see figure V). Some other States had agreed to further means of direct dialogue, and such dialogues were in various stages of planning. In still other reviews, no decision had been taken yet. Among the completed first cycle reviews, only one State party had not opted for a form of direct dialogue.

Figure V

First review cycle: further means of direct dialogue between countries undertaken as part of a country review



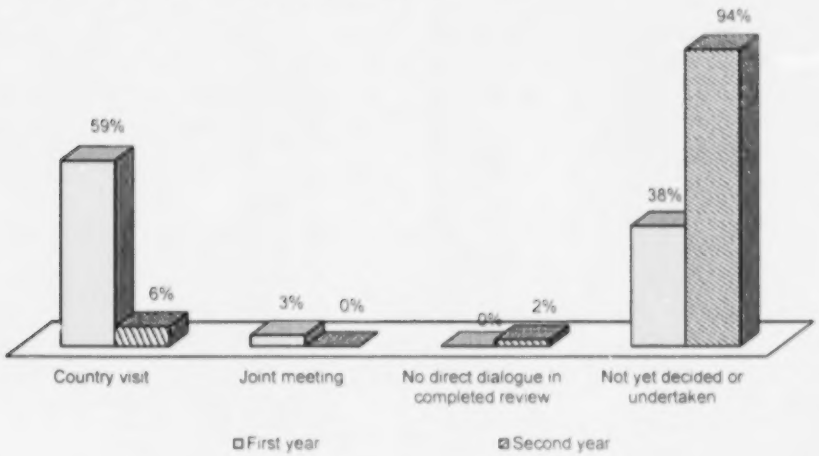
b. Second review cycle

33. At the time of writing, out of 29 States parties under review in the first year of the second cycle, 17 States parties had hosted a country visit as a further means of direct dialogue, and one had opted for a joint meeting in Vienna. Several other country visits were being scheduled (see figure VI).

34. At the time of writing, out of 48 States parties under review in the second year of the second cycle, 3 had hosted a country visit, and no joint meetings had been held. As for the first year of the second cycle, several other country visits were being scheduled.

Figure VI

First and second year of the second review cycle: further means of direct dialogue between countries undertaken as part of a country review



Preparation of the agenda for further means of direct dialogue

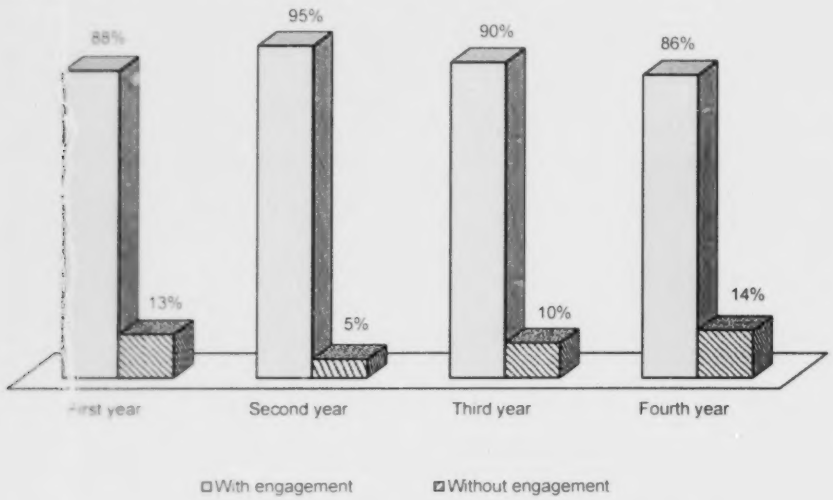
35. In accordance with paragraph 24 of the guidelines, a country visit is to be planned and organized by the State party under review. Focal points draft the agenda and submit it to the reviewers and the secretariat prior to the visit.

a. First review cycle

36. Out of all the country visits conducted, 89 per cent included meetings with other stakeholders (see figure VII), in accordance with paragraph 30 of the terms of reference. In some cases, those meetings took the form of panels that included representatives of civil society, the private sector, academia, trade associations and other national stakeholders. In other cases, States included national stakeholders such as representatives of academia, civil society and the private sector in the committees set up to coordinate and oversee the review process.

Figure VII

First review cycle: engagement with stakeholders during country visits, per review year



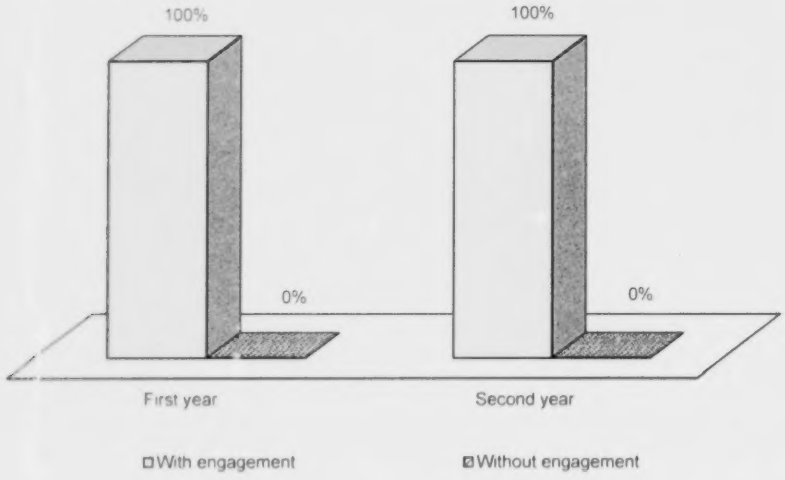
Note: The figures have been updated with additional information received for country visits conducted throughout the first review cycle. This accounts for the higher percentage of country visits that included meetings with other stakeholders than previously reported.

b. Second review cycle

37. At the time of writing, all 20 country visits conducted in the first and second years of the second cycle had included meetings with other stakeholders, in accordance with paragraph 30 of the terms of reference (see figure VIII).

Figure VIII

First and second year of the second review cycle: engagement with stakeholders during country visits, per review year



Outcome of the country review process, publication of the country review report and review languages

38. In accordance with paragraph 33 of the terms of reference and paragraph 30 of the guidelines, the reviewing governmental experts are to prepare a country review report and an executive summary of that report, in close cooperation and coordination with the State party under review and assisted by the secretariat. Successes, good practices and challenges should be identified in the report, and the report should contain observations on the implementation of the Convention. Where appropriate, technical assistance needs for the purpose of improving the implementation of the Convention should also be identified in the report.

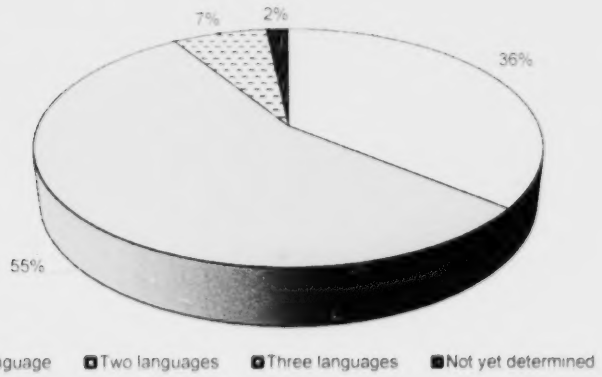
a. First review cycle

39. A total of 163 executive summaries and 141 country reports had been completed at the time of writing; of those, 27 executive summaries had been completed and made available to the Implementation Review Group for the reviews in the first year. For the second year, 40 executive summaries had been completed and made available to the Group. For the third year, 34 executive summaries had been completed and made available to the Group. For the fourth year, 62 executive summaries had been completed and made available and several more were being finalized.

40. The executive summaries of the country review reports have been placed online on the page with documentation of the Implementation Review Group and on the country profile page (http://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html). At the time of writing, 79 States parties had requested publication of the full country review reports for the first cycle. Depending on the language and the number of annexes, the length of the reports ranged from approximately 100 pages to over 500 pages.[3]

41. While in some cases governmental experts agreed to conduct the review in a language other than their preferred one, most reviews were conducted in more than one official language of the United Nations. Out of 181 reviews, 65 were carried out in one official language, 100 were carried out in two official languages and 13 were carried out in three official languages. In 3 cases, the decision what language or languages to be used was yet to be taken (see figure IX).

Figure IX
First review cycle: number of official languages of the United Nations used per country review



b. Second review cycle

42. At the time of writing, for the first year of the second cycle, 7 executive summaries and 4 country review reports had been completed, while for the second

[3] For details on the translation costs, see CAC/COSP/IRG/2016/3.

year of the second cycle, no executive summary or country review reports had been completed, in part because of the delays incurred in the submission of the responses to the self-assessment checklist and the organization of the country visits.

43. In the first year of the second review cycle, 9 reviews were carried out in one official language of the United Nations, 16 in two official languages and 3 in three official languages. For one review, the decision on the language of the review was still pending (see figure X).

44. In the second year of the second review cycle, 9 reviews were carried out in one official language of the United Nations, 19 in two official languages and 4 in three official languages. For 16 reviews, the decision on the language of the review had not yet been taken.

Figure X

First and second year of the second review cycle: number of official languages of the United Nations used per country review